

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL A. BURNHART,)	CASE NO. C06-0870-JLR-MAT
)	
Plaintiff,)	
)	
v.)	ORDER TO SHOW CAUSE WHY
)	SUMMARY JUDGMENT SHOULD
SUE BELT, et al.,)	NOT BE GRANTED
)	
Defendants.)	
_____)	

The Court, having considered the § 1983 complaint and the files and records herein, does hereby find and ORDER:

(1) On February 8, 2007, defendants filed a motion for summary judgment which was noted on the Court's calendar for consideration on March 2, 2007. Plaintiff has not responded to that motion.

(2) Plaintiff shall show cause within *thirty (30) days* explaining why defendants' motion for summary judgment should not be granted and why this action should not be DISMISSED, with prejudice, pursuant to Federal Rule of Civil Procedure 56 and Local Rule CR 7(b)(2).

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01 Plaintiff is advised, pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), and
02 Federal Rule of Civil Procedure 56, that he has a right to file counter-affidavits or other responsive
03 evidentiary materials in opposition to defendants' motion for summary judgment and that his
04 failure to file such materials may result in the entry of summary judgment against him. If the
05 motion for summary judgment is granted, plaintiff is advised that his case will be over. Thus, if
06 plaintiff fails to file opposing counter-affidavits or other evidence, defendants' evidence might be
07 taken as truth, and final judgment may be entered against plaintiff **without a trial**.

08 (3) Defendants' motion for summary judgment (Dkt. No. 31) is RE-NOTED on the
09 Court's calendar for consideration on ***April 20, 2007***.

10 (4) The Joint Pretrial Statement filing deadline, which was established in this Court's
11 October 24, 2006, Order re: Pretrial Preparations, is hereby STRICKEN. That deadline will be
12 re-set, if necessary, once defendants' summary judgment motion has been ruled on.

13 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
14 defendants, and to the Honorable James L. Robart.

15 DATED this 16th day of March, 2007.

16 

17 Mary Alice Theiler
18 United States Magistrate Judge
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